

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VARNADO JONES	:	CIVIL ACTION
	:	
v.	:	
	:	
DELBALSO, THE DISTRICT ATTORNEY	:	
OF THE COUNTY OF PHILADELPHIA	:	
THE ATTORNEY GENERAL OF	:	
THE STATE OF PENNSYLVANIA	:	NO. 19-2125

ORDER

NOW, this 29th day of March, 2021, upon consideration of the Petition Under 28 U.S.C. § 2254 for Writ of *Habeas Corpus* by a Person in State Custody (Document No. 2), the response to the Petition, the petitioner's reply, the Report and Recommendation filed by United States Magistrate Judge Henry S. Perkin (Document No. 15), and after a thorough and independent review of the record, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Henry S. Perkin is **APPROVED** and **ADOPTED**;¹
2. The Petition for Writ of *Habeas Corpus* is **DENIED**; and,
3. There is no probable cause to issue a certificate of appealability.

/s/ TIMOTHY J. SAVAGE J.

¹ The petitioner has presented a plausible argument that his default is excused. He has presented documentary evidence that supports his contention that he did not receive the Notice to file a § 1925 Statement of Matters Complained Of. Nevertheless, even if his default is excused, his petition fails on the merits.